

## **REMARKS**

This application has been reviewed in light of the Office Action mailed July 8, 2009. Reconsideration of this application in view of the below amendments and remarks is respectfully requested. By the present amendment, claim 17 has been canceled and claims 3-7, 18-20, and 23 have been amended. No new matter has been introduced by the amendments. Claims 3-16, 18-23 are pending in the application with claim 3 being in independent form.

### **Objection to Claims 3-21**

Claims 3-21 are objected to for informalities. Specifically, it is stated that claims 3-21 recite data broadcast recording method without any steps to implement the method. Claim 3 is amended to recite limitations in the body of the claim to implement the method more clearly. Applicants believe that claims 4-16 and 18-21 that depend on claim 3 recite enough elements to implement the method through their dependency on claim 3. Claim 17 has been canceled as mentioned above. Accordingly, Applicants respectfully request withdrawal of the objection with respect to claims 3-21.

### **Rejection of Claim 23 under 35 U.S.C. §101**

Claim 23 is rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter, specifically because claim 23 recites “a recording medium” but does not define a computer-readable recording medium. Claim 23 is amended to describe the recording medium to include functional descriptive material recorded on the medium, reciting a recording medium, on which recording management data, normal broadcast, and program linked data broadcast are recorded. Therefore, claim 23 as amended is statutory. Accordingly,

Applicants respectfully request withdrawal of the rejection with respect to claim 23 under 35 U.S.C. § 101.

**Rejection under 35 U.S.C. §103(a)**

Claims 3-20 and 22-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ando et al. (US Patent 6,341,196)(hereinafter “Ando”) and Simomura et al. (US Patent 6,526,580)(hereinafter “Shimomura”). Claim 3 is amended to recite “the program linked data broadcast being linked with the normal broadcast.” Support for the amendment can be found at page 17, lines 12-19 and claim 17, which is canceled herein. No new matter has been added by the amendment.

The Examiner stated that Ando teaches recording management data recorded in a first file, video data recorded in a second file, other data recorded in the second file or a third file, and a data recording file ID flag in the management data, but does not teach the video data and the other data to be normal broadcast and data broadcast, respectively. The Examiner cited Shimomura as teaching the video broadcast as normal broadcast and any other broadcast, which could also include video and/or audio or any other type of data as data broadcast. However, neither Ando nor Shimomura teaches the relationship of two data, i.e., the video broadcast and other broadcast. Therefore, they cannot be said to teach “program linked data broadcast in the second file or a third file which is different from the first and the second file, the program linked data broadcast being linked with the normal broadcast.” Therefore, claim 3 and claims 4-16, 18-20 and 22-23 which depend on claim 3 are patentable over Ando and Shimomura. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claim 3-20 and 22-23 under 35 U.S.C. § 103(a).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ando and Shimomura and further in view of Kikuchi et al. (US Patent 7,010,032)(hereinafter “Kikuchi”) and Kato et al. (WO/01/82608)(hereinafter “Kato”). Kikuchi is cited as teaching “information on video coding method of the data so that the data can be identified for correct processing, e.g., decoding” and Kato is cited as teaching “an audio data compression method flag indicating a type of MPEG audio, Dolby audio, or DTS audio, a still-picture data compression method flag indicating a type of JPEG or PNG.” However, neither Kikuchi nor Kato cure the deficiency of Ando and/or Shimomura. Therefore, claim 21 that depends on claim 3 is patentable over any combination of Ando, Shimomura, Kikuchi and/or Kato at least for the same reason as claim 3.

Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claim 21 under 35 U.S.C. § 103(a).

### **CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, claims 3-16, 18-23 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



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